



Application No. 09/809,405
Paper Dated: January 16, 2007
In Reply to USPTO Correspondence of September 13, 2006
Attorney Docket No. 5327-010251

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/809,405 Confirmation No. 3576
Applicant : Frank RADEMACHER et al.
Filed : March 15, 2001
Title : INDUSTRIAL TRUCK WITH A CAMERA
DEVICE
Art Unit : 2621
Examiner : Behrooz M. Senfi
Customer No. : 28289

MAIL STOP AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

For the reasons set forth herein, Applicants respectfully submit that the final Office Action dated September 13, 2006 is based on improper rejections of the claims and does not establish the asserted *prima facie* case of obviousness based on the cited references.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

01/16/2007
Date

Signature

Tamara S. Griffith

Typed Name of Person Signing Certificate

I. Rejection of Claims 1-8 and 10-15 under 35 U.S.C. § 103(a) for obviousness over the teachings of U.S. Patent No 5,938,710 to Lanza et al. in view of U.S. Patent No. 5,793,308 to Rosinski et al.

The Final Office Action dated September 13, 2006 fails to provide proper motivation for making the combination of the teachings of Lanza with those of Rosinski to obtain the limitations of independent claim 1, resulting in a clear deficiency in establishing a *prima facie* case of obviousness.

With reference to Fig. 1, claim 1 is directed to an industrial truck comprising a driver's seat 4 oriented in a forward direction, at least one screen 6 located in the vicinity of the driver's seat 4, and a counterweight 10 located on the rear of the truck. A first camera 7 is mounted on the rear of the vehicle to the rear of the driver's seat 4 and above the counterweight 10 at a first height and points toward the rear of the industrial truck. At least one additional camera 11 is mounted on the rear of the vehicle to the rear of the driver's seat 4 and on an upper segment of the driver's cab 3 at a height greater than the first height. The at least one additional camera 11 is also directed toward the rear of the industrial truck. The first camera 7 provides a view of a distant area and the at least one additional camera 11 provides a view of a near area behind the industrial truck. The image taken with the first camera 7 and/or the image taken with the at least one additional camera 11 can be displayed on the screen 6.

On page 4 of the Final Office Action, the Examiner asserts that it would have been obvious to modify the Lanza navigation system by incorporating multiple cameras as disclosed in Rosinski to allow a vehicle operator to view blind spots at the rear and sides of the vehicle. Applicants submit that the combined references teach away from the Examiner's combination.

Lanza is directed to an industrial truck 100 having a forwardly-facing camera 1 attached to a movable fork 2 located on the front of the truck 100. A rearwardly-facing navigation camera 3 is located on the upper region of the truck 100. The navigation camera 3 detects navigational markings to determine the vehicle position with the aid of an image processing system (Lanza at column 5, lines 30-55). Both cameras 1 and 3 are connected to an automatic control system 4 which can be actively connected with the truck drive system,

steering system, braking system, and the movement control system of the fork 2 (Lanza at column 5, lines 57-62).

Rosinski teaches a vehicle position monitoring system having one or more cameras connected to an integral mirror video display. That is, the video display for the system is located on rear view mirrors of a vehicle (Rosinski at column 5, lines 24-28). Rosinski teaches that this integrated mirror system allows the vehicle operator to utilize the normal field of view of a side mirror or rear view and still view objects to the rear of the vehicle by placing the video display on the vehicle mirrors (Rosinski at column 3, lines 10-52 and column 5, lines 24-35). The entire thrust of Rosinski is the use of such integrated mirror displays.

Neither Lanza nor Rosinski, either alone or in combination, fairly teaches or suggests the industrial truck as set forth in claim 1. The rearwardly-facing camera 3 of Lanza is a navigational camera to detect and follow navigational markings. There is no teaching or suggestion to replace such a critical element of Lanza with the Rosinski cameras. Additionally, the Examiner completely ignores the main teaching of Rosinski that the Rosinski display is located in a mirror, not a screen near the driver's seat. Moreover, the Examiner's combination does not teach or suggest the claimed structure of a first camera mounted to the rear of the driver's seat above the counterweight at a first height and at least one additional camera mounted to the rear of the driver's seat on an upper segment of the driver's cab at a height greater than the first height with the first camera providing a view of a distant area and the second camera providing a view of a rear area behind the truck. Rosinski does have multiple cameras but not this specific camera orientation.

Therefore, claim 1 is not rendered obvious by the Lanza and Rosinski combination. Reconsideration of the rejection of claim 1 is respectfully requested.

Claims 2-8 and 10-15 depend either directly or indirectly from, and add further limitations to, claim 1. Since these claims depend from a claim believed to be in condition for allowance, these claims are also believed to be in condition for allowance. Reconsideration of the rejections of claims 2-8 and 10-15 is respectfully requested.

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II. Conclusion

Based upon the above comments, Applicants assert that a *prima facie* rejection based on obviousness has not been established. It is therefore requested that the rejection of claims 1-8 and 10-15 be withdrawn. Reversal of the final rejections and allowance of claims 1-8 and 10-15 are respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required to Deposit Account No. 23-0650 or refund any overpayment to the same deposit account.

Respectfully submitted,

THE WEBB LAW FIRM

By



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